

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PETER J. SMITH,

Plaintiff,

V.

ALABAMA DEPARTMENT OF
TRANSPORTATION,

Defendant.

CASE NO. 2:06-CV-118-WKW
(WO)

ORDER

On April 18, 2006, the Magistrate Judge filed a Recommendation (Doc. # 9) in this case, finding that the defendant's Motion to Dismiss (Doc. # 7) is due to be granted. The Recommendation finds that the plaintiff's claims are procedurally defaulted as they were not filed within 90 days of receipt of a right-to-sue letter from the EEOC. The plaintiff filed a Motion for Reconsideration, which the Court construes as an objection to the Recommendation, on May 2, 2006 (Doc. # 11).

After an independent and de novo review of the record, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection is OVERRULED.
2. The Recommendation of the Magistrate Judge is ADOPTED.
3. The defendant's Motion to Dismiss is GRANTED.
4. The plaintiff's claims are DISMISSED with prejudice.

An appropriate judgment will be entered.

DONE this the 5th day of May, 2006.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE